

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ANDREW NAMBO GARCIA §
VS. § CIVIL ACTION NO. 1:15cv296
JEFF. CO. SHERIFF'S DEPT., ET AL. §

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Andrew Nambo Garcia, proceeding *pro se*, filed the above-styled civil rights lawsuit.

The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court.

The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The Magistrate Judge recommends that this lawsuit be dismissed without prejudice as improvidently filed. The recommendation was based on the Magistrate Judge's conclusion that plaintiff previously filed an identical complaint that had been assigned civil action number 1:15cv295.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court concludes the objections are without merit. In fact, plaintiff does not actually object to the dismissal of this lawsuit. He states he submitted two copies of his complaint because of a misunderstanding concerning the rules of court. He states he wishes to continue to pursue civil action number 1:15cv295 and asks the court to disregard this filing of this lawsuit. As a result, this lawsuit will be dismissed. The dismissal of this lawsuit will have no effect on the court's consideration of civil action number 1:15cv295.

ORDER

Accordingly, to the extent plaintiff's filing can be construed as objections, the objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment shall be entered dismissing this lawsuit in accordance with the recommendation of the Magistrate Judge.

So **ORDERED** and **SIGNED** this **6** day of **February, 2016**.



Ron Clark, United States District Judge